

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SLADE,

Defendant.

) No. 3:14-cr-00103-05-SLG-DMS
)

) **VERDICT FORM**
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)
)
)
)

COUNT 1

PART A

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of Conspiracy to knowingly violate the Clean Water Act, beginning on or about July 3, 2010 and continuing to on or about March 22, 2013, as charged in Count 1 of the Superseding Indictment.

[If you find the Defendant Guilty in Part A, proceed to (a) through (e) below]

We, the Jury, having found the Defendant Guilty of the offense of Conspiracy to knowingly violate the Clean Water Act, further find that the defendant conspired to: (Place an X in each appropriate box)

- (a) violate the Clean Water Act as charged in Count 2 [☐]
- (b) violate the Clean Water Act as charged in Count 3 [☐]
- (c) violate the Clean Water Act as charged in Count 4 [☐]
- (d) violate the Clean Water Act as charged in Count 5 [☐]
- (e) violate the Clean Water Act as charged in Count 6 [☐]

Continue to Part B

PART B

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of Conspiracy to knowingly make a materially false, fictitious, or fraudulent statement or representation to the EPA or ADEC, or to knowingly make or use a false writing or document, knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, beginning on or about July 3, 2010, and continuing to on or about March 22, 2013, as charged in Count 1 of the Superseding Indictment.

Continue to Count 2

COUNT 2

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of **knowingly** discharging or causing the discharge of a pollutant, namely wastewater from a platinum mine, into a water of the United States, namely Squirrel Creek/Platinum Creek, without a Clean Water Act permit, from on or about July 4, 2010, to on or about July 15, 2010, as charged in Count 2 of the Superseding Indictment.

[If you find the Defendant Guilty on Count 2, answer (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the offense charged in Count 2 of the Superseding Indictment, further find that the Squirrel Creek /Platinum Creek was a Water of the United States because: (Place an X in each appropriate box)

- (a) it is/was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it being a relatively permanent standing or flowing body of water that ultimately flows (directly or indirectly) to a traditionally navigable water; [☐] and/or;
- (b) it is/was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it having a significant nexus to a traditionally navigable water (that is, tributaries or impoundments that, either alone or in combination with similarly situated tributaries in the region, significantly affected the chemical, physical, or biological integrity of traditionally navigable waters). [☐]

[Answer the following lesser included offense ONLY if you find the Defendant Not Guilty of the knowingly violation of Count 2]

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the lesser crime of **negligently** discharging or causing the discharge of a pollutant, namely wastewater from a platinum mine, into a water of the United States, namely Squirrel Creek/Platinum Creek, without a Clean Water Act permit, from on or about July 4, 2010, to on or about July 15, 2010, as charged in Count 2 of the Superseding Indictment.

[If you find the Defendant Guilty of the lesser included offense on Count 2, answer (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the lesser included offense charged in Count 2 of the Superseding Indictment, further find that the Squirrel Creek /Platinum Creek was a Water of the United States because: (Place an X in each appropriate box)

- (a) it is/was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it being a relatively permanent standing or flowing body of water that ultimately flows (directly or indirectly) to a traditionally navigable water; [☐] and/or;
- (b) it is/was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it having a significant nexus to a traditionally navigable water (that is, tributaries or impoundments that, either alone or in combination with similarly situated tributaries in the region, significantly affected the chemical, physical, or biological integrity of traditionally navigable waters). [☐]

Continue to Count 3

COUNT 3

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of **knowingly** discharging or causing the discharge of a pollutant, namely wastewater from a platinum mine, into a water of the United States, namely Salmon River, without a Clean Water Act permit, from on or about July 3, 2010, to on or about July 29, 2010, as charged in Count 3 of the Superseding Indictment.

[If you find the Defendant Guilty on Count 3, proceed to (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the offense charged in Count 3 of the Superseding Indictment, further find that the Salmon River was a Water of the United States because: (Place an X in each appropriate box)

- (a) it is was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it being a relatively permanent standing or flowing body of water that ultimately flows (directly or indirectly) to a traditionally navigable water; [☐] and/or;
- (b) it is was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it having a significant nexus to a traditionally navigable water (that is, tributaries or impoundments that, either alone or in combination with similarly situated tributaries in the region, significantly affected the chemical, physical, or biological integrity of traditionally navigable waters). [☐]

[Answer the following lesser included offense ONLY if you find the Defendant Not Guilty of the knowingly violation of Count 3]

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the lesser crime of **negligently** discharging or causing the discharge of a pollutant, namely wastewater from a platinum mine, into a water of the United States, namely Salmon River, without a Clean Water Act permit, from on or about July 3, 2010, to on or about July 29, 2010, as charged in Count 3 of the Superseding Indictment.

[If you find the Defendant Guilty of the lesser included offense on Count 3, answer (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the lesser included offense charged in Count 3 of the Superseding Indictment, further find that the Salmon River was a Water of the United States because: (Place an X in each appropriate box)

- (a) it is was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it being a relatively permanent standing or flowing body of water that ultimately flows (directly or indirectly) to a traditionally navigable water; [☐] and/or;
- (b) it is was a tributary to a traditionally navigable water, or an impoundment of a tributary to a traditionally navigable water due to it having a significant nexus to a traditionally navigable water (that is, tributaries or impoundments that, either alone or in combination with similarly situated tributaries in the region, significantly affected the chemical, physical, or biological integrity of traditionally navigable waters). [☐]

Continue to Count 4

COUNT 4

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of **knowingly** violating a permit condition or limitation in a permit issued under the Clean Water Act, from on or about July 30, 2010, to on or about October 31, 2010, as charged in Count 4 of the Superseding Indictment.

[If you find the Defendant Guilty on Count 4, proceed to (a) through (b) below]

We, the Jury, having found the Defendant Guilty of the offense charged in Count 4 of the Superseding Indictment, further find that the defendant knowingly violated the following conditions or limitations of the permit: (Place an X in each appropriate box)

- (a) discharging a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (b) failing to report the unauthorized discharge of a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (c) discharging a pollutant, namely effluent from a platinum mine, during periods when new water was allowed to enter the plant site or as a result of the intake of new water [☐];
- (d) failing to monitor for turbidity at the point of discharge at least three times per week [☐]

[Answer the following lesser included offense ONLY if you find the Defendant Not Guilty of the knowingly violation of Count 4]

We the jury find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the lesser crime of **negligently** violating a permit condition or limitation in a permit issued under the Clean Water Act, from on or about July 30, 2010, to on or about October 31, 2010, as charged in Count 4 of the Superseding Indictment.

[If you find the Defendant Guilty of the lesser included offense on Count 4, answer (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the lesser included offense charged in Count 4 of the Superseding Indictment, further find that the defendant knowingly violated the following conditions or limitations of the permit: (Place an X in each appropriate box)

- (a) discharging a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (b) failing to report the unauthorized discharge of a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (c) discharging a pollutant, namely effluent from a platinum mine, during periods when new water was allowed to enter the plant site or as a result of the intake of new water [☐];
- (d) failing to monitor for turbidity at the point of discharge at least three times per week [☐]

Continue to Count 5

COUNT 5

We the jury do find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the crime of **knowingly** violating a permit condition or limitation in a permit issued under the Clean Water Act, from on or about June 17, 2011, to on or about October 19, 2011, as charged in Count five of the Superseding Indictment.

[If you find the Defendant Guilty on Count 5, proceed to (a) through (c) below]

We, the Jury, having found the Defendant Guilty of the offense charged in Count 5 of the Superseding Indictment, further find that the defendant knowingly violated the following conditions or limitations of the permit: (Place an X in each appropriate box)

- (a) discharging a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (b) failing to report the unauthorized discharge of a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [☐];
- (c) discharging a pollutant, namely effluent from a platinum mine, during periods when new water was allowed to enter the plant site or as a result of the intake of new water [☐]

[Answer the following lesser included offense ONLY if you find the Defendant Not Guilty of the knowingly violation of Count 5]

We the jury do find the Defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of the lesser crime of **negligently** violating a permit condition or limitation in a permit issued under the Clean Water Act, from on or about June 17, 2011, to on or about October 19, 2011, as charged in Count five of the Superseding Indictment.

[If you find the Defendant Guilty of the lesser included offense on Count 5, answer (a) and (b) below]

We, the Jury, having found the Defendant Guilty of the lesser included offense charged in Count 5 of the Superseding Indictment, further find that the defendant knowingly violated the following conditions or limitations of the permit: (Place an X in each appropriate box)

- (a) discharging a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [];
- (b) failing to report the unauthorized discharge of a pollutant, namely effluent from a platinum mine, with turbidity more than five NTUs above natural conditions [];
- (c) discharging a pollutant, namely effluent from a platinum mine, during periods when new water was allowed to enter the plant site or as a result of the intake of new water []

Continue to Count 6

COUNT 6

Count 6 of the Superseding Indictment charges that, on or about January 31, 2011, the defendant, JAMES SLADE, did knowingly make a false material statement, representation, or certification in a required report, to wit, the defendant did state to the Alaska Department of Environmental Conservation in the 2010 Annual Report for placer mining at the Platinum Creek Mine that there was “no discharge” during 2010, a statement the defendant knew to be false.

We the Jury find the defendant, JAMES SLADE, _____ (Guilty or Not Guilty) of submission of a false report, as charged in Count 6 of the Superseding Indictment.

Please have your Jury Foreperson sign and date this page.

DATED: _____

Jury Foreperson